

REMARKS/ARGUMENTS

In the Office Action dated 22 February 2010, claims 1-15 are currently pending. Claims 1-7, 14, and 15 stand rejected under 35 U.S.C. § 102. Claims 8-13 stand rejected under 35 U.S.C. § 103. Claims 1, 6, 14, and 15 have been amended. Claim 13 has been cancelled. Applicants respectfully request reconsideration of the instant application in light of the following remarks.

I. Substance of the Telephone Interview

Applicants thank the Examiner for conducting a telephone interview with the Applicants' undersigned representative on 8 April 2010. The Examiner and the undersigned attorney discussed the differences between the claimed subject matter and the cited reference in order to overcome the rejection under 35 U.S.C. § 102. The Examiner agreed that amending claims 1, 6, 14, and 15 according to the discussion would overcome the 35 U.S.C. § 102 rejection.

II. Claims 12-13 Objected

In the Office Action, claims 12-13 stand objected. Claim 13 has been cancelled as suggested by the Examiner.

III. Claims 1-7, 14, and 15 Rejected Under 35 U.S.C. § 102

In the Office Action, claims 1-7, 14, and 15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application

Publication No. 2002/0054689 to Zhang et al. (hereinafter, "Zhang"). Applicants respectfully traverse this rejection.

Claim 1 has been amended to recite, *inter alia*, "wherein the firmware program configures the hearing aid programmer to communicate with the programmable hearing aid." Claim 6 has been amended to recite, *inter alia*, "wherein the firmware program configures the hearing aid programmer to communicate with a programmable hearing aid." Claim 14 has been amended to recite, *inter alia*, "wherein the firmware program configures the hearing aid programmer means to communicate with the hearing aid." In addition, claim 15 has been amended to recite, *inter alia*, "wherein the firmware program configures the hearing aid programmer to communicate with the programmable hearing aid." Support for these amendments may be found, for example, in the Applicant's specification at page 8, paragraph [0015]; page 10, paragraphs [0022] – [0024]; and page 12, paragraphs [0029] – [0030].

As agreed to by the Examiner during the telephone interview, Zhang does not disclose this subject matter. Accordingly, Applicants respectfully request that the rejection of claims 1, 6, 14, and 15 be withdrawn.

Claims 2-5 depend either directly or indirectly from claim 1. Claim 7 depends directly from claim 6. As a result, Applicants submit that claims 2-5 and 7 are patentably distinct from Zhang for at least the same reasons stated above and because of their dependence upon an allowable base claim. Accordingly, Applicants respectfully request that the rejection of claims 2-5 and 7 be withdrawn.

IV. Claims 8-13 Rejected Under 35 U.S.C. § 103

In the Office Action, claims 8-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Zhang in view of U.S. Patent Application Publication No. 2002/0168075 to Hagen et al. (hereinafter, "Hagen"). Claim 13 has been cancelled. Applicants respectfully traverse this rejection regarding the remaining claims.

Claims 8-12 depend either directly or indirectly from claim 6. As a result, Applicants submit that claims 8-12 are patentably distinct from the cited references for at least the same reasons stated above and because of their dependence upon an allowable base claim. Accordingly, Applicants respectfully request that the rejection of claims 8-12 be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicant expressly disclaims all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the

present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

Respectfully submitted,

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